

7-4-2632. Fee when recording done by mechanical means. Whenever recording is done by a photographic or similar process, the county clerk and recorder shall charge \$7 for each page or fraction of a page of the instrument for recording.

History: En. Sec. 4635, Pol. C. 1895; re-en. Sec. 3168, Rev. C. 1907; amd. Sec. 1, Ch. 117, L. 1911; re-en. Sec. 4917, R.C.M. 1921; re-en. Sec. 4917, R.C.M. 1935; amd. Sec. 1, Ch. 87, L. 1941; amd. Sec. 1, Ch. 90, L. 1953; amd. Sec. 1, Ch. 202, L. 1955; amd. Sec. 2, Ch. 148, L. 1957; amd. Sec. 1, Ch. 9, L. 1959; amd. Sec. 11-115, Ch. 264, L. 1963; amd. Sec. 73, Ch. 348, L. 1974; amd. Sec. 32, Ch. 213, L. 1975; R.C.M. 1947, 25-231(8); amd. Sec. 2, Ch. 414, L. 1981; amd. Sec. 2, Ch. 467, L. 1983; amd. Sec. 2, Ch. 27, L. 1985; amd. Sec. 1, Ch. 355, L. 1991; amd. Sec. 12, Ch. 135, L. 2005.

Compiler's Comments:

2005 Amendment: Chapter 135 increased fee from \$6 to \$7; and made minor changes in style. Amendment effective July 1, 2005.

1991 Amendment: Increased recording fee from \$5 to \$6. Amendment effective July 1, 1991.

1985 Amendment: Increased charge from \$2.50 to \$5.

1983 Amendment: Increased the per page charge from \$2 to \$2.50.

1981 Amendment: Changed "filing and indexing" to "recording" at the end of the section.

Attorney General Opinions:

Appropriate Fee for Recording Blanket Document Listing Multiple Reconveyances of Trust Indentures: A flat fee of \$6 (see 2005 amendment) is chargeable by the County Clerk and Recorder for each page of a blanket document listing multiple reconveyances of trust indentures. 48 A.G. Op. 23 (2000).

* *Fee for Recording Documents for Mining Claims:* Both 7-4-2631 and 7-4-2632 appear to apply to recording mining documents by mechanical means. Section 7-4-2632 was originally enacted as an amendatory addition to the present 7-4-2631. Both were originally parts of section 25-231, R.C.M. 1947, and were separated by the recodification of the R.C.M. into the MCA. The legislative intent indicates that the fee prescribed in 7-4-2632 was originally enacted as an alternative fee rather than an additional fee. When recording documents for mining claims by mechanical means, the Clerk and Recorder is to charge only the fee prescribed by 7-4-2632. 40 A.G. Op. 58 (1984).

County Clerk -- Joint Tenancy Terminations: County Clerk and Recorders are not required to issue "transfers of title" to survivors of a joint tenancy interest. Rather, upon filing of the application and certificates (form INH-3), the Clerk should index the transfer in the grantor and grantee index, noting the time and place of filing. 37 A.G. Op. 134 (1978).